



General Assembly

January Session, 2009

Amendment

LCO No. 7684

HB0667107684HDO

Offered by:
REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 6671

File No. 781

Cal. No. 522

**"AN ACT CONCERNING THE FORFEITURE OF MONEY AND
PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND
HUMAN TRAFFICKING AND THE POSSESSION OF CHILD
PORNOGRAPHY."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 54-102g of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) Any person who has been convicted of a criminal offense against
6 a victim who is a minor, a nonviolent sexual offense or a sexually
7 violent offense, as those terms are defined in section 54-250, or a
8 felony, and has been sentenced on that conviction to the custody of the
9 Commissioner of Correction shall, prior to release from custody and at
10 such time as the commissioner may specify, submit to the taking of a
11 blood or other biological sample for DNA (deoxyribonucleic acid)
12 analysis to determine identification characteristics specific to the
13 person. If any person required to submit to the taking of a blood or

14 other biological sample pursuant to this subsection refuses to do so,
15 the Commissioner of Correction or the commissioner's designee shall
16 notify the Department of Public Safety within thirty days of such
17 refusal for the initiation of criminal proceedings against such person.

18 (b) Any person who is convicted of a criminal offense against a
19 victim who is a minor, a nonviolent sexual offense or a sexually violent
20 offense, as those terms are defined in section 54-250, or a felony and is
21 not sentenced to a term of confinement shall, as a condition of such
22 sentence and at such time and place as the [sentencing court] Court
23 Support Services Division may specify, submit to the taking of a blood
24 or other biological sample for DNA (deoxyribonucleic acid) analysis to
25 determine identification characteristics specific to the person.

26 (c) Any person who has been found not guilty by reason of mental
27 disease or defect pursuant to section 53a-13 of a criminal offense
28 against a victim who is a minor, a nonviolent sexual offense or a
29 sexually violent offense, as those terms are defined in section 54-250, or
30 a felony, and is in custody as a result of that finding, shall, prior to
31 discharge from custody in accordance with subsection (e) of section
32 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such
33 time as the Commissioner of Mental Health and Addiction Services or
34 the Commissioner of Developmental Services with whom such person
35 has been placed may specify, submit to the taking of a blood or other
36 biological sample for DNA (deoxyribonucleic acid) analysis to
37 determine identification characteristics specific to the person.

38 (d) Any person who has been convicted of a criminal offense against
39 a victim who is a minor, a nonviolent sexual offense or a sexually
40 violent offense, as those terms are defined in section 54-250, or a
41 felony, and is serving a period of probation or parole, and who has not
42 submitted to the taking of a blood or other biological sample pursuant
43 to subsection (a), (b) or (c) of this section, shall, prior to discharge from
44 the custody of the Court Support Services Division or the Department
45 of Correction and at such time as said division or department may
46 specify, submit to the taking of a blood or other biological sample for

47 DNA (deoxyribonucleic acid) analysis to determine identification
48 characteristics specific to the person.

49 (e) Any person who has been convicted or found not guilty by
50 reason of mental disease or defect in any other state or jurisdiction of a
51 felony or of any crime, the essential elements of which are
52 substantially the same as a criminal offense against a victim who is a
53 minor, a nonviolent sexual offense or a sexually violent offense, as
54 those terms are defined in section 54-250, and is in the custody of the
55 Commissioner of Correction, is under the supervision of the Judicial
56 Department or the Board of Pardons and Paroles or is under the
57 jurisdiction of the Psychiatric Security Review Board, shall, prior to
58 discharge from such custody, supervision or jurisdiction submit to the
59 taking of a blood or other biological sample for DNA
60 (deoxyribonucleic acid) analysis to determine identification
61 characteristics specific to the person.

62 (f) The analysis shall be performed by the Division of Scientific
63 Services within the Department of Public Safety. The identification
64 characteristics of the profile resulting from the DNA analysis shall be
65 stored and maintained by the division in a DNA data bank and shall
66 be made available only as provided in section 54-102j.

67 (g) Any person who refuses to submit to the taking of a blood or
68 other biological sample pursuant to this section shall be guilty of a
69 class A misdemeanor.

70 Sec. 502. Subsection (a) of section 54-102h of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective*
72 *October 1, 2009*):

73 (a) (1) The collection of a blood or other biological sample from
74 persons required to submit to the taking of such sample pursuant to
75 subsection (a) of section 54-102g, as amended by this act, shall be the
76 responsibility of the Department of Correction and shall be taken at a
77 time and place specified by the Department of Correction.

78 (2) The collection of a blood or other biological sample from persons
79 required to submit to the taking of such sample pursuant to subsection
80 (b) of section 54-102g, as amended by this act, shall be the
81 responsibility of the [Department of Public Safety] Judicial Department
82 and shall be taken at a time and place specified by the [sentencing
83 court] Court Support Services Division.

84 (3) The collection of a blood or other biological sample from persons
85 required to submit to the taking of such sample pursuant to subsection
86 (c) of section 54-102g, as amended by this act, shall be the
87 responsibility of the Commissioner of Mental Health and Addiction
88 Services or the Commissioner of Developmental Services, as the case
89 may be, and shall be taken at a time and place specified by said
90 commissioner.

91 (4) The collection of a blood or other biological sample from persons
92 required to submit to the taking of such sample pursuant to subsection
93 (d) of section 54-102g, as amended by this act, shall be the
94 responsibility of the Judicial Department if such person is serving a
95 period of probation and of the Department of Correction if such person
96 is serving a period of parole and shall be taken at a time and place
97 specified by the Court Support Services Division or the Department of
98 Correction, as the case may be.

99 (5) The collection of a blood or other biological sample from persons
100 required to submit to the taking of such sample pursuant to subsection
101 (e) of section 54-102g, as amended by this act, shall be the
102 responsibility of the agency in whose custody or under whose
103 supervision such person has been placed, and shall be taken at a time
104 and place specified by such agency."